

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|  |   |                           |
|--|---|---------------------------|
| In re Application                                    | ) | <u>PATENT APPLICATION</u> |
|  | ) |                           |
| Inventor(s): Freeman                                 | ) |                           |
|  | ) | Art Unit: 1797            |
| Application No.: 10/541,124                          | ) |                           |
|  | ) | Examiner: Edwards, Lydia  |
| Filed: March 31, 2006                                | ) |                           |
|  | ) |                           |
| Title: Method and apparatus using optical techniques | ) |                           |
| to measure analyte levels                            | ) |                           |

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**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Mail Stop \_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

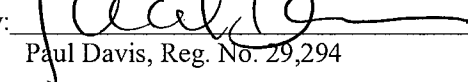
Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$130.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-4634 (Docket No. 123847-181456).

Respectfully submitted,  
GOODWIN PROCTER LLP

Dated: January 14, 2009

By:   
Paul Davis, Reg. No. 29,294

Goodwin|Procter LLP  
135 Commonwealth Drive  
Menlo Park, CA 94025  
(650) 752-3100  
Customer No. 77845